

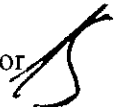



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

*We strive to be caring, professional and fair*

To: Planning Commission

From: Tiffany Stankiewicz, Development Administrator 

Through: Townsley Schwab, Sr Director of Planning & Environmental Resources 

Date: March 1, 2010

Subject: NROGO Year 18.1, Non-Residential Floor Area Evaluation Report

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**Meeting Date:** March 10, 2010

1 I BACKGROUND:

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3 Monroe County Code, Section 138-52 NROGO establishes the procedure for allocating the non-

4 residential floor area. The "maximum annual allocation", and the distribution between the first and

5 second allocation dates, will be determined by the Board of County Commissioners upon the

6 recommendations of the Planning Director and the Planning Commission. The commercial floor

7 area that is not made available, or that remains unused, in the current year will be carried forward.

8

9 There were 244,971 square feet (208,161 sq. ft. Lower/Upper Keys Subarea + 36,810 Big Pine/No

10 Name Key Subarea sq. ft.) of non-residential floor area available for allocation at the beginning of

11 Year 18 (July 2009-July 2010). At the Planning Commission meeting of September 23, 2009 the

12 Planning Commission recommended 22,500 square feet (20,000 sq. ft. Lower/Upper Keys Subarea

13 and 2,500 Big Pine/No Name Key Subarea) of floor area to be made available for the Year 18

14 NROGO allocations. The floor area is to be awarded in two allocations. The first allocation of

15 10,000 square feet to the Lower/Upper Keys Subarea and 2,500 square feet to the Big Pine/No

16 Name Key Subarea is awarded after the close of the period in January 2010, and the second

17 allocation of 10,000 square feet to the Lower/Upper Keys Subarea and 0 square feet to the Big

18 Pine/No Name Key Subarea is awarded after the close of the period in July 2010. No allocation for

19 any one single applicant is to be awarded for greater than 2,500 square feet. The Board of County

20 Commissioners approved Resolution 381-2009 confirming the Planning Commissions

21 recommendation.

22

23 On June 9, 2006, the Federal Fish and Wildlife Permit was issued to 1) Monroe County, Growth

24 Management Division, 2) Florida Department of Transportation, and 3) Florida Department of

25 Community Affairs for the Threatened and Endangered Species Incidental Take Permit (ITP)

1 since the permittees have defined the geographic area covered by their Habitat Conservation Plan  
2 (HCP) on Big Pine/No Name Key. The ITP requires the Permittees to ensure that the take of the  
3 covered species is minimized and mitigated. The Permittees are responsible for meeting the  
4 terms and conditions of the ITP and implementing the HCP. Pursuant to the LCP Action Item  
5 9.2.4 the County will create mitigation fee for new residences, non-residential floor area, and  
6 institutional uses in order to ensure that development bears its fair share of the required  
7 mitigation under the Federal ITP #TE083411-0. Therefore, staff is in the process of formulating  
8 a proposal for the mitigation requirement for Big Pine/No Name Key to present to the Planning  
9 Commission in the near future.

10  
11 On March 15, 2006, the Board of County Commissioners adopted Ordinance 011-2006 to  
12 implement the Tier System, and subsequently, it was challenged by Florida Keys Citizens  
13 Coalition, Inc. and Protect Key West and the Florida Keys, Inc., d/b/a Last Stand. Thomas G.  
14 Pelham, Secretary, Department of Community Affairs signed the final order deciding the  
15 challenge on September 26, 2007.

16  
17 The Tier System, made changes such as separate districts for allocation distribution, basis of  
18 scoring applications, and administrative relief. The districts are as follows: A) Lower/Upper  
19 Keys and B) Big Pine/No Name Key are the subareas for NROGO.

## 20 21 II AMOUNT OF FLOOR AREA REQUESTED:

22  
23 There are three applicants requesting commercial floor area for the Year 18.1 January allocation.  
24 There are three applicants in the Lower/Middle/Upper area and zero applicants in the Big Pine/No  
25 Name Key area. The applicant's score is broken down by scoring criteria.

26

	Lower/Upper Keys Subarea	Big Pine/No Name Keys Subarea
Period 1: Sq. Ft. Allocation Available	10,000	2,500
Period 1: Sq. Ft. requested	4,008	0
Sq. Ft. to rollover to Period 2	5,992	2,500
Period 2: Sq. Ft. Allocation Available	10,000	2,500
Period 1: Sq. Ft. rollover to Period 2	5,992	0
Total Sq. Ft. for Period 2	15,992	2,500

## 27 28 III EVALUATION AND RANKING:

29  
30 The evaluation of the allocation applications was performed by the Planning and Environmental  
31 Resources Departments according to the provisions of the Non-Residential Rate of Growth  
32 Ordinance (NROGO). Positive and negative points were granted in compliance with the  
33 evaluation criteria contained in Section 138-55(a) and the Land Development Regulations.

34  
35 Based on the total points scored, each allocation was ranked. If applications received identical  
36 scores, they were ranked by date and time first, and further ranked based on the applicants with the  
37 fewest negative points on the same day.  
38

1 IV RECOMMENDATION:  
2

3 Based on the proceeding, the Sr. Director Planning & Environmental Resources recommends the  
4 following NROGO allocations of Year 18.1 be awarded to the applicants ranked one (1) through  
5 three (3), requesting a total of 4,008 square feet of floor area. The balance of 5,992 square feet of  
6 commercial floor area remaining shall be carried over to year 18.2 of NROGO allocation.  
7  
8

NON-RESIDENTIAL (NRGO) ALLOCATION RANKING  
 PROPOSED BY SR. DIRECTOR OF PLANNING AND ENVIRONMENTAL RESOURCES  
 LOWERUPPER KEYS EXCLUDING BIG PINENO NAME KEY  
 YEARS 18.1 (JULY 14, 2009 TO JANUARY 12, 2010)

Rank	Permit No.	Name	Date	Time	Tier	Tier Pts	Intensity	Flood	First Each	200% Native	25% landscaping	25% Plants	25% BAT/A	Overall	Key	Subdivision	Lot	Block	RE No.	SF	
							Reduct.	Dad Zone V	4 Add.	Hwy Access	w/in butterfly & native	above water conservation	WT	Emp.	Score						
1	09104701	Sellers	12-Jan-10	4:05 PM	3	20	0	0	0	0	0	0	0	0	23	Big Coppitt					2,41K
2	09203642	Paskiewicz	6-Jan-10	4:50 PM	3	20	0	0	0	0	0	0	0	0	20	Conch Key		Pl Tract A		00396040.000000	4K
3	09104222	NHC_FL13 LP	15-Dec-09	1:01 PM	3	20	0	0	0	0	0	0	0	0	20	Ohio Key	Pl Gw: LI 2		00105900.000000		1.21K
Total Sq. Footage Requested																					4,006

Total Sq. Footage available Period I is 10,000 sq. ft.  
 pursuant to Board of County Commissioners Resolution 381-2009.

NON-RESIDENTIAL (NRGO) ALLOCATION RANKING  
 PROPOSED BY SR. DIRECTOR OF PLANNING AND ENVIRONMENTAL RESOURCES  
 BIG PINE/NO NAME KEY  
 YEAR 18.1 (JULY 14, 2009 TO JANUARY 12, 2010)

Rank	Permit No.	Name	Date	Time	Tier	Key	Subdivision	Lot	Block	RE No.	SF
1	No Applicants										
2											
3											
4											
5											
Total Sq. Footage Requested											0

Total Sq. Footage available Period 1 is 2,500 sq. ft  
 pursuant to Board of County Commissioners Resolution 381-2009.